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Description of document: Department of Justice (DOJ) Civil Rights Division (CRD)  
Ten (10) Oldest pending Freedom of Information Act  
(FOIA) Request Letters, 2021

Requested date: 12-January-2021

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Source of document: FOIA Request  
Civil Rights Division  
4CON, Room 6.153  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530  
Email: [CRT.FOIArequests@usdoj.gov](mailto:CRT.FOIArequests@usdoj.gov)

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U.S. Department of Justice  
Civil Rights Division

KK:ANF:EWE  
21-00088-F

*Freedom of Information/PA Unit – 4CON  
950 Pennsylvania Ave., NW  
Washington, DC 20530*

2/4/21

*Via Electronic Mail Only*

This is in further response to your January 12, 2021 Freedom of Information Act request to the Civil Rights Division, seeking access to "A copy of the Request Letter for the 10 oldest pending FOIA requests at the DOJ Civil Rights Division as of the date of this request."

After review of the responsive Civil Rights Division documents pertaining to your request, I have determined that the enclosed documents may be released to you subject to the excision of the names and identifying information of private citizens, pursuant to 5 U.S.C. § 552 (b)(6) since disclosure thereof could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

*Kilian Kagle*

Kilian Kagle, Chief  
Freedom of Information/Privacy Acts Branch  
Civil Rights Division



July 12, 2017

**VIA ELECTRONIC MAIL AND ONLINE PORTAL**

Laurie Day  
Chief, Initial Request Staff  
Office of Information Policy  
U.S. Department of Justice  
1425 New York Avenue NW, Suite 110.50  
Washington, DC 20530-0001  
Via FOIAOnline

FOIA/PA Branch  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
BICN, Room 3234  
Washington, DC 20530  
CRT.FOIArequests@usdoj.gov

**Re: Expedited Freedom of Information Act Request**

Dear Freedom of Information Act Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the implementing regulations of the Department of Justice (DOJ), 28 C.F.R. Part 16, American Oversight makes the following request for records.

On May 11, 2017, President Donald Trump signed Executive Order 13,799, establishing the Presidential Advisory Commission on Election Integrity.<sup>1</sup> The Commission's mission is to "study the registration and voting processes used in Federal elections."<sup>2</sup> The Commission is subject to public disclosure requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. App., but to date has not operated with a commitment to transparency. In fact, the Commission only disclosed its membership in response to a court order.<sup>3</sup> American Oversight is seeking records to bring transparency to what has been a thoroughly opaque effort to date in contravention of the law.

**Requested Records**

American Oversight requests that DOJ produce the following within twenty business days and seeks expedited review of this request for the reasons identified below:

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<sup>1</sup> Exec. Order No. 13,799 of May 11, 2017, 82 Fed. Reg. 22,389 (May 16, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> See Order, *Elec. Privacy Info. Ctr. v. Presidential Advisory Comm'n on Election Integrity*, No. 17-1320 (D.D.C. July 5, 2017), ECF No. 9, <https://epic.org/privacy/litigation/voter/epic-v-commission-EPIC-v-Commission-court-order-of-July-5.pdf>; Second Decl. of Kris W. Kobach, *Elec. Privacy Info. Ctr. v. Presidential Advisory Comm'n on Election Integrity*, No. 17-1320 (D.D.C. July 6, 2017), ECF No. 11-1, <https://epic.org/privacy/litigation/voter/epic-v-commission-11-1-2nd-Kobach-Declaration.pdf>.



1. All communications between the Attorney General, the Deputy Attorney General, the Associate Attorney General, and all political appointees in the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Civil Rights Division, and the Office of Legislative Affairs, and
  - a. the White House, including Andrew Kossack, anyone from the Office of the Vice President, anyone from the White House Counsel's Office, or anyone else whose email address ends in "eop.gov"; or
  - b. Any member or staff member of the Commission including: Kris Kobach, Secretary of State for Kansas; Connie Lawson, Secretary of State of Indiana; Bill Gardner, Secretary of State of New Hampshire; Matt Dunlap, Secretary of State of Maine; Ken Blackwell, former Secretary of State of Ohio; Christy McCormick, Election Assistance Commission; David Dunn, former Arkansas State Representative; Mark Rhodes, Wood County West Virginia Clerk; Hans von Spakovsky, Senior Legal Fellow, Heritage Foundation; and Luis Borunda, Deputy Secretary of State of Maryland; or
  - c. any member of Congress, including congressional staff, regarding the Presidential Advisory Commission on Election Integrity, including its creation, establishment, functions, mission, objectives, management, membership, authority, scope, costs, meetings, and legal obligations.
  
2. All communications with state officials regarding DOJ's June 28, 2017 letter requesting election officials respond by detailing their compliance with the National Voter Registration Act of 1993 (NVRA).<sup>1</sup>
  
3. All communications between the Attorney General, the Deputy Attorney General, the Associate Attorney General, and all political appointees in the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Civil Rights Division, and the Office of Legislative Affairs, and
  - a. the White House, including Andrew Kossack, anyone from the Office of the Vice President, anyone from the White House Counsel's Office, or anyone else whose email address ends in "eop.gov"; or
  - b. Any member or staff member of the Commission including: Kris Kobach, Secretary of State for Kansas; Connie Lawson, Secretary of State of Indiana; Bill Gardner, Secretary of State of New Hampshire; Matt Dunlap, Secretary of State of Maine; Ken Blackwell, former Secretary of State of Ohio; Christy McCormick, Election Assistance Commission; David Dunn, former Arkansas State Representative; Mark Rhodes, Wood County West Virginia Clerk; and Hans von Spakovsky, Senior Legal Fellow, Heritage Foundation; and Luis Borunda, Deputy Secretary of State of Maryland; or
  - c. any member of Congress, including congressional staff,

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<sup>1</sup> See Letter from T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Div., U.S. Dep't of Justice, to Kim Westbrook Strach, Exec. Dir., N.C. State Bd. of Elections (June 28, 2017), <https://www.documentcloud.org/documents/3881855-Correspondence-DOJ-Letter-06282017.html>.

regarding DOJ's June 28, 2017 letter requesting election officials respond by detailing their compliance with the NVRA.

Please provide all responsive records from January 20, 2017, through the date of the search.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files is subject to the Federal Records Act and FOIA.<sup>5</sup> **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual

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<sup>5</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>6</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

custodians likely to have responsive information. Recent technology may have rendered DOJ's prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.<sup>7</sup> Furthermore, agencies that have adopted the National Archives and Records Agency (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians' files.** For example, a custodian may have deleted a responsive email from his or her email program, but DOJ's archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that DOJ use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”<sup>8</sup> If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>9</sup> Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”<sup>10</sup> Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”<sup>11</sup>

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.<sup>12</sup> Claims of nonsegregability must be made with the same degree of detail as required

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<sup>7</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

<sup>8</sup> FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

<sup>9</sup> *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

<sup>10</sup> *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

<sup>11</sup> *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

<sup>12</sup> *Mead Data Central*, 566 F.2d at 261.

for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

**You should institute a preservation hold on information responsive to this request.** American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, DOJ is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and DOJ can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15<sup>th</sup> Street, NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on rolling basis.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k), American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way.<sup>14</sup> Moreover, the request is primarily and fundamentally for non-commercial purposes.<sup>15</sup>

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government activities and operations.<sup>16</sup> The Presidential Advisory Commission on Election Integrity is subject to the Federal Advisory Committee Act (FACA), which requires that

the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee *shall be available for public inspection and copying at a single location* in the office of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.<sup>16</sup>

The D.C. Circuit Court of Appeals reiterated the right of public inspection when it held as follows:

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<sup>14</sup> 28 C.F.R. § 16.10(k)(1).

<sup>15</sup> *Id.*

<sup>16</sup> 28 C.F.R. § 16.10(k)(1), (2)(i)-(ii).

<sup>17</sup> 5 U.S.C. App. § 10(b) (emphasis added).

[U]nder section 10(b) of FACA an agency is generally obligated to make available for public inspection and copying all materials that were made available to or prepared for or by an advisory committee. Except with respect to those materials that the agency reasonably claims to be exempt from disclosure pursuant to FOIA, a member of the public need not request disclosure in order for FACA 10(b) materials to be made available. Thus, whenever practicable, *all 10(b) materials must be available for public inspection and copying before or on the date of the advisory committee meeting to which they apply.*<sup>7</sup>

The FOIA additionally provides a right of access so the public can understand what its government is up to. The Commission, however, has yet to make available any of the Commission's records.<sup>8</sup> Nor have officials at federal agencies provided documentation of what, if any, support and cooperation they have provided. Without access to those records, the public is not in a position to evaluate how the Commission is conducting its work, to provide input to the Commission's deliberations, or assess whether the Commission is acting within its legal authority and comporting with its legal obligations. Multiple nonprofit organizations as well as state legislators have already sued to require the Commission to comply with the FACA.<sup>9</sup> The records responsive to this FOIA request would begin to shed light on the activities of the Commission and ameliorate the Commission's FACA violations to date.

This request is primarily and fundamentally for non-commercial purposes.<sup>20</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the

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<sup>7</sup> Memorandum for Comm. Mgmt. Officers from James L. Dean, Dir., Comm. Mgmt. Secretariat (March 14, 2000), <https://www.gsa.gov/portal/content/100785> (quoting *Food Chem. News v. Dep't of Health & Human Servs.*, 980 F.2d 1468, 1469 (D.C. Cir. 1992)).

<sup>8</sup> See Britain Eakin, *ACLU Sues Administration over Voting Commission Transparency*, COURTHOUSE NEWS SERV., July 11, 2017, <http://www.courthousenews.com/aclu-sues-administration-voting-commission-transparency-2/>.

<sup>9</sup> Holly Ramer & Geoff Mulvihill, *Lawsuits Filed over Trump Voting Commission Requests*, WASH. POST, July 6, 2017, [https://www.washingtonpost.com/national/lawsuits-filed-over-trump-voting-commission-requests/2017/07/06/71b3b412-628a-11e7-80a2-8e226031ac3f\\_story.html?utm\\_term=.79fd478d5f27](https://www.washingtonpost.com/national/lawsuits-filed-over-trump-voting-commission-requests/2017/07/06/71b3b412-628a-11e7-80a2-8e226031ac3f_story.html?utm_term=.79fd478d5f27); Diamond Naga Siu, *ACLU Sues Trump over Election Integrity Commission*, POLITICO (July 10, 2017, 2:10 PM), <http://www.politico.com/story/2017/07/10/aclu-sue-trump-election-integrity-commission-240368>; Mark Joseph Stern, *Trump Voter Fraud Commission Halts Data Collection Amid Torrent of Lawsuits and Complaints*, SLATE (July 10, 2017, 6:41 PM), [http://www.slate.com/blogs/the\\_slatest/2017/07/10/trump-voter-fraud-commission-halts-data-collection-amidst-lawsuits.html](http://www.slate.com/blogs/the_slatest/2017/07/10/trump-voter-fraud-commission-halts-data-collection-amidst-lawsuits.html).

<sup>20</sup> 28 C.F.R. § 16.10(k)(1), (2)(iii).

information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>17</sup> American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,<sup>18</sup> American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.<sup>19</sup> As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.<sup>20</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii), (iv), American Oversight requests that the DOJ expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief, that there is an urgent need to inform the public about the federal government activity that is the subject of this request. The president has been fixated on the idea of voter fraud since he secured office with an electoral-college victory despite losing the popular vote.<sup>21</sup> Investigating such "fraud" was an early initiative of

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<sup>17</sup> American Oversight currently has over 11,000 page likes on Facebook, and over 32,700 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 12, 2017); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 12, 2017).

<sup>18</sup> *Vetting the Nominees: Solicitor General Nominee Noel Francisco*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/our-actions/vetting-nominees-solicitor-general-nominee-noel-francisco>.

<sup>19</sup> *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/news/francisco-travel-ban-learned-doj-documents>.

<sup>20</sup> *Audit the Wall*, AMERICAN OVERSIGHT, [www.auditthewall.org](http://www.auditthewall.org).

<sup>21</sup> See Peter Baker & Maggie Haberman, *The Election Is Over, but Trump Can't Seem to Get Past It*, N.Y. TIMES, May 13, 2017, <https://www.nytimes.com/2017/05/13/us/politics/election-is-over-but-trump-still-cant-seem-to-get-past-it.html>; *Trump Again Claims He 'Would Have Won' Popular Vote*, BBCNEWS, Dec. 21, 2016, <http://www.bbc.com/news/world-us-canada-38397591>; Emma Green, *The White House Clings to False Claims of Massive Voter Fraud*, THE ATLANTIC, Jan. 24, 2017, <https://www.theatlantic.com/politics/archive/2017/01/trump-is-still-concerned-about-voter-fraud/514319/>; Ros Krasny, *Trump Claims Millions Voted Illegally, Without Giving Proof*, BLOOMBERG (Nov. 28, 2016, 3:05 PM), <https://www.bloomberg.com/news/articles/2016-11-27/trump-suggesting-voter-fraud-says-he-won-the-popular-vote>; Michael D. Shear & Emmarie Huettelman, *Trump Repeats Lie About Popular Vote in Meeting with Lawmakers*, N.Y. TIMES, Jan. 23, 2017, <https://www.nytimes.com/2017/01/23/us/politics/donald-trump-congress-democrats.html>.

his administration,<sup>26</sup> formalized when he signed Executive Order 13,799, establishing the Presidential Advisory Commission on Election Integrity.<sup>27</sup> The president's obsession has now implicated the privacy of the hundreds of millions of registered voters across the country<sup>28</sup> with the Commission's June 28, 2017 request to states and the District of Columbia to be provided with the name, address, date of birth, party affiliation, the last four digits of the Social Security number, and voting history of all registered voters.<sup>29</sup> Moreover, the Commission is requesting this information on an accelerated timeframe with responses from the states due on July 14, 2017,<sup>30</sup> a request and timeline that has prompted significant legal action to prevent the invasion of the private information of three in five Americans.<sup>31</sup>

As significantly, this entire process is occurring without the opportunity for public scrutiny. As noted above, FACA requires that the Commission proactively disclose its records.<sup>32</sup> Yet the Commission has failed to do so and now faces numerous legal challenges.<sup>33</sup> The Commission's first public meeting has been noticed for July 19,<sup>34</sup> and the government continues to resist the calls to comply with FACA and conduct its activities transparently. A response to this FOIA request is urgently needed to cure the Commission's opacity and inform the public of its activities, and to provide the public with the information it needs to participate meaningfully in the Commission's deliberations consistent with the requirements of FACA.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar

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<sup>26</sup> See Green, *supra* note 25; Dan Merica et al., *Trump Considers Executive Order on Voter Fraud*, CNNPOLITICS (Jan. 25, 2017, 6:57 PM), <http://www.cnn.com/2017/01/25/politics/trump-calls-for-major-investigation-into-voter-fraud/index.html>.

<sup>27</sup> Exec. Order No. 13,799 of May 11, 2017, 82 Fed. Reg. 22,389 (May 16, 2017).

<sup>28</sup> Shane Goldmacher, *America Hits New Landmark: 200 Million Registered Voters*, POLITICO, (Oct. 19, 2016, 1:57 PM), <http://www.politico.com/story/2016/10/how-many-registered-voters-are-in-america-2016-229993>.

<sup>29</sup> Christopher Ingraham, *Trump's Voter-Fraud Commission Wants to Know Voting History, Party ID, and the Address of Every Voter in the U.S.*, WASH. POST, June 29, 2017, [https://www.washingtonpost.com/news/wonk/wp/2017/06/29/trumps-voter-fraud-commission-wants-to-know-the-voting-history-party-id-and-address-of-every-voter-in-america/?hpid\\_hp-top-table-main\\_wonk&utm\\_term=.652883191ed](https://www.washingtonpost.com/news/wonk/wp/2017/06/29/trumps-voter-fraud-commission-wants-to-know-the-voting-history-party-id-and-address-of-every-voter-in-america/?hpid_hp-top-table-main_wonk&utm_term=.652883191ed).

<sup>30</sup> See Letter from Kris W. Kobach, Vice Chair, Presidential Advisory Comm'n on Election Integrity, to Denise Merrill, Conn. Sec'y of State (June 28, 2017), <https://www.washingtonpost.com/blogs/wonkblog/files/2017/06/PEIC-Letter-to-Connecticut-1.pdf>.

<sup>31</sup> Andrew M. Harris, *Privacy Rights Group Sues Election Integrity Panel*, BLOOMBERG POLITICS (July 3, 2017, 6:45 PM), <https://www.bloomberg.com/news/articles/2017-07-03/privacy-rights-group-sues-trump-s-election-integrity-commission>.

<sup>32</sup> See *supra* notes 16 & 17.

<sup>33</sup> See Eakin, *supra* note 18; Harris, *supra* note 31; Ramer & Mulvihill, *supra* note 19; Siu, *supra* note 19; Stern, *supra* note 19.

<sup>34</sup> Meeting Notice, 82 Fed. Reg. 31,063 (July 5, 2017); Supplemental Meeting Notice, 82 Fed. Reg. 31,608 (July 7, 2017).

to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,” American Oversight “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”<sup>56</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promote their availability on social media platforms, such as Facebook and Twitter.<sup>57</sup> American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,<sup>58</sup> American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ’s process for ethics waivers.<sup>59</sup> As another example, American Oversight has a project called “Audit the Wall,” where the organization is gathering and analyzing information and commenting on public releases of information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border.<sup>60</sup>

Moreover, I certify that the subject of this request is a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence. The actions and operations of the Commission have already been the subject of widespread media coverage, including public outcry.<sup>61</sup> Indeed, within days of initiating operations,

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<sup>56</sup> See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

<sup>57</sup> *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

<sup>58</sup> American Oversight currently has over 11,000 page likes on Facebook, and over 32,700 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited July 12, 2017); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited July 12, 2017).

<sup>59</sup> *Vetting the Nominees: Solicitor General Nominee Noel Francisco*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/our-actions/vetting-nominees-solicitor-general-nominee-noel-francisco>.

<sup>60</sup> *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/news/francisco-travel-ban-learned-doj-documents>.

<sup>61</sup> *Audit the Wall*, AMERICAN OVERSIGHT, [www.auditthewall.org](http://www.auditthewall.org).

<sup>62</sup> See *Oppose the Pence-Presidential Commission on Election Integrity*, COLOROFCHANGE.ORG <https://www.colorofchange.org/campaigns/oppose-presidential-commission-election-integrity/>; Fresh Air, *Trump’s Election Integrity Commission Could Have a ‘Chilling Effect’ on Voting Rights*, NPR (May 17, 2017, 1:47 PM), <http://www.npr.org/2017/05/17/528769195/trumps-election-integrity-commission-could-have-a-chilling-effect-on-voting-right>; Sam Levine, *This DOJ Letter May be More Alarming Than Trump Commission’s Request for Voter Data*, HUFFPOST (July 5, 2017, 3:58 PM), [http://www.huffpost.com/entry/departments-of-justice-voter-purge\\_us\\_595d22b1e4b0da2c7326c38b](http://www.huffpost.com/entry/departments-of-justice-voter-purge_us_595d22b1e4b0da2c7326c38b); German Lopez, *Trump’s “Election Integrity” Commission Wants Every Voter’s Name, Party ID, and Address*, VOX (June 30, 2017, 1:10 PM), <https://www.vox.com/policy-and-politics/2017/6/30/15900478/trump-election-integrity-commission>; Leon Neyfakh, *How Trump’s DOJ Will Try to Purge Voter Rolls*, SLATE (July 11, 2014, 4:04 PM),

the Commission has been the subject of multiple lawsuits, each of which have also drawn extensive media interest.<sup>12</sup> This widespread media interest has focused on the reported failure of the Commission to comply with applicable laws, including the open meeting requirements, fairness and balance requirements, and open record requirements of FACA itself, as well as other laws, including the privacy protections contained in the Paperwork Reduction Act and the E-Government Act of 2002.<sup>13</sup> These manifold questions about the Commission's failure to comply with the law raise manifest questions about government integrity that affect public confidence.

Accordingly, American Oversight's request satisfies the criteria for expedition.

### Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Cerissa Cafasso at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (202) 869-5246. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Austin R. Evers  
Executive Director  
American Oversight

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[http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2017/07/how\\_trump\\_s\\_doj\\_will\\_try\\_to\\_purge\\_voter\\_rolls.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2017/07/how_trump_s_doj_will_try_to_purge_voter_rolls.html).

<sup>12</sup> See Eakin, *supra* note 18; Harris, *supra* note 31; Ramer & Mulvihill, *supra* note 19; Siu, *supra* note 19; Stern, *supra* note 19.

<sup>13</sup> See, e.g., Eliza Newlin Carney, *Is the Kobach Commission Violating the Law?*, THE AM. PROSPECT, July 7, 2017, <http://prospect.org/article/kobach-commission-violating-law>; see also Eakin, *supra* note 18; Harris, *supra* note 31; Ramer & Mulvihill, *supra* note 19; Siu, *supra* note 19; Stern, *supra* note 19.

BRENNAN  
CENTER  
FOR JUSTICE  
TWENTY  
YEARS

*at New York University School of Law*

Via Certified Mail and Electronic Submission

July 20, 2017

Nelson D. Hermilla  
Chief, FOIA/PA Branch  
Civil Rights Division  
Department of Justice  
BICN Bldg., Room 3234  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Re: Freedom of Information Act Request, Request for Expedited Processing and Fee Waiver

Dear Mr. Hermilla:

This is a request on behalf of the Brennan Center for Justice at NYU School of Law (“Brennan Center”) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. It is also a request for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1), and for a fee waiver under 5 U.S.C. § 552(a)(4)(A)(ii) & (iii) and 28 C.F.R. § 16.5(k).

**I. Background**

On June 28, 2017, T. Christian Herren, Jr., the Chief of the Department of Justice’s Voting Section, sent a letter to all states covered by the National Voter Registration Act (“NVRA”). In this letter (“the Letter”), the Department of Justice “request[ed] information regarding the State’s procedures for compliance with the statewide voter registration list maintenance provisions of the National Voter Registration Act, 52 U.S.C. § 20501 et seq. and the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901 et seq.”<sup>1</sup>

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<sup>1</sup> See, e.g., Letter from T. Christian Herren, Jr., Chief, Voting Section, U.S. Dep’t of Justice, to Kim Westbrook Strach, Exec. Dir., N.C. State Bd. of Elections (June 28, 2017), <https://www.documentcloud.org/documents/3881855-corrrespondence-DOJ-Letter-06282017.html>.

According to the Letter, the Department of Justice plans to “review[] voter registration list maintenance procedures in each state covered by the NVRA” in an effort “to assess compliance with these [HAVA and NVRA] provisions . . . .” The Letter also said that the Department of Justice plans to “include an analysis of voter registration data reported by each state to the U.S. Election Assistance Commission (“EAC”) as part of its biennial Election Administration and Voting Survey (“EAVS”).” The Letter requests information about each states’ statutes, regulations, policies relating to voter registration, and “data regarding confirmation notices, removals from the voter registration list, and active and inactive registered voters[.]” Finally, the Letter requests that this information be provided to them within thirty days of its June 28 mail date.

## **II. Formal Request**

The Brennan Center for Justice at NYU School of Law requests, to the extent the following are in the possession, custody, or control of the Civil Rights Division as of the date of the FOIA search:

1. All documents the Department of Justice (“DOJ” or “Department”) received or receives from state or local election officials in response to the Letter.
2. All communications and documents, including but not limited to emails and memoranda, between any DOJ officer, employee, or agent, or any White House liaison to the Department, and any other person, including but not limited to any officer, employee, or agent of the White House or the Presidential Advisory Commission on Election Integrity concerning the Letter.

We also request that responsive electronic records be provided electronically, in a text searchable, static-image (PDF) format (in the best image quality available to the agency), pursuant to 5 U.S.C. § 552(a)(3)(A)(B) and (C).

### **Definitions**

As used in this request—

“*Collaborative Work Environment*” means a platform used to create, edit, review, approve, store, organize, share, and access documents and information by and among authorized users, potentially in diverse locations and with different devices. Collaborative Work Environments include Google Docs sites, Microsoft Sharepoint sites, eRooms, document management systems (e.g., iManage), intranets, web content management systems (CMS) (e.g., Drupal), wikis, and blogs.

“*Communications*” means disclosure, transfer, or exchange of information or opinion, however made, including any transmission of information by oral, graphic, written, pictorial, electronic, or other perceptible means.

“*Documents*” means all written, printed, or electronically stored information of any kind in the possession, custody, or control of the Department, including information stored on

social media accounts like Twitter or Facebook, chats, instant messages, and documents contained in Collaborative Work Environments and other document databases. The term includes agreements; letters; telegrams; inter-office communications; memoranda; reports; records; instructions; notes; notebooks; diaries; plans; diagrams; photographs; photocopies; charts; descriptions; drafts, whether or not they resulted in a final document; agendas and minutes of meetings, conferences, and telephone or other conversations or communications; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; electronic-mail; and computer printouts.

“Including” means including, but not limited to.

### **III. Application for Expedited Processing**

The Brennan Center requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(1)(ii), (iv). This request meets the criteria for expedited processing because there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information;” and this request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that could affect public confidence.” 28 C.F.R. § 16.5(e)(1)(ii) and (iv). As explained below in more detail in the section of this request regarding a fee waiver, the Brennan Center intends to disseminate the information obtained in response to this request to enable the public to effectively monitor, evaluate, and respond to information provided by state election officials regarding voter purging and to any analysis provided by the Department of Justice on these procedures.

The Brennan Center is a section 501(c)(3) non-profit organization that is “primarily engaged in disseminating information” within the meaning of 5 U.S.C. § 552(a)(6)(E)(v)(II) and 28 C.F.R. § 16.5(e)(1)(ii). The United States District Court for the District of Columbia has found that a non-profit, public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” is “primarily engaged in disseminating information” within the meaning of the statute and regulations. *Am. Civil Liberties Union v. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (quoting *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003)). The Brennan Center is a think tank and public interest law center that regularly writes and publishes reports and newspaper articles and makes appearances on various media outlets regarding voting rights, voter registration, and voter list maintenance. Through practical policy proposals, litigation, advocacy, and public communications, the Brennan Center works to ensure that voting is free, fair, and accessible for all Americans.

The Brennan Center is the author of a comprehensive report on state voter list maintenance practices.<sup>2</sup> This report has received national attention.<sup>3</sup> The Center seeks to

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<sup>2</sup> MYRNA PEREZ, BRENNAN CENTER FOR JUSTICE, VOTER PURGES (2008).

<sup>3</sup> See also Pia Malbran, *Red Flag on Purging Voter Rolls*, CBS EVENING NEWS, Sept. 30, 2008, <http://www.cbsnews.com/news/red-flag-on-purging-voter-rolls/>.



First, the Brennan Center plans to analyze, publish, and publicly disseminate information obtained from this request. The requested records are not sought for commercial use and will be disclosed to the public at no cost.

Second, the Brennan Center qualifies as a “representative of the news media” for the same reasons that it is “primarily engaged in dissemination of information,” i.e., because the Brennan Center “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III); *Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). The Brennan Center has released dozens of publications regarding voting issues in the form of reports and papers on various issues of public importance. *Cf. Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 11-12 (finding that the Electronic Privacy Information Center was representative of the news media based on its publication of seven books about national and international policies relating to privacy and civil rights); *see also Nat’l Sec. Archive*, 880 F.2d at 1386 (deeming the National Security Archive a representative of the news media after it published one book and indicated its intention to publish a set of documents on national and international politics and nuclear policy). The Brennan Center is therefore entitled to a waiver of search and review fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 28 C.F.R. § 16.10(k).

As a noncommercial requester, the Brennan Center also qualifies for waivers as an “educational institution” pursuant to 28 C.F.R. § 16.10(d)(1). The Brennan Center qualifies as an educational institution because it is affiliated with the NYU School of Law, which is plainly an educational institution. *See also Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381 (D.C. Cir. 1989).

The Brennan Center is also entitled to a waiver of all fees, including duplication fees, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10(k). First, the subject of the requested records clearly concerns “the operations or activities of the federal government.” This request seeks records and information concerning federal government activity because the materials requested concern allegations by the President of voter fraud in the conduct of federal elections and proposed changes to federal law. This connection to the federal government is “direct and clear, not remote or attenuated.” Disclosure of the requested records is therefore in the public interest because it is likely to contribute significantly to public understanding of how the government is regulating elections, which is plainly of interest to the public. Disclosure will significantly enhance the public’s understanding of this subject.

Moreover, disclosure is not primarily in the Brennan Center’s commercial interests. As stated above, the Brennan Center plans to make any information disclosed as a result of this request available to the public at no cost. A fee waiver would therefore fulfill Congress’s legislative intent that FOIA be “liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (quoting 132 CONG. REC. 27, 190 (1986) (Statement of Sen. Leahy)).

In the event you deny our waiver request, please contact us if you expect the costs to exceed the amount of \$500.00.

**V. Response Requested in 10 Days**

Your attention to this request is appreciated, and the Brennan Center will anticipate your determination regarding our request for expedited processing within ten (10) calendar days. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I); 28 C.F.R. § 16.5. I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

We also request that you provide us with an estimated completion date, as required by 5 U.S.C. § 552(a)(7)(B)(ii). If the request is denied in whole or in part, we ask that you justify all deletions by reference to specific exemptions to FOIA. We expect the release of all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

Please furnish all applicable records to:

Jonathan Brater  
Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
120 Broadway, Suite 1750  
New York, NY 10271  
(646) 292-8310  
[www.brennancenter.org](http://www.brennancenter.org)

Should you have any questions regarding this request, please contact Ms. Weiser at the address above, by telephone at (646) 292-8310, or by e-mail at

(b)(6)

Sincerely,



Wendy Weiser  
Tomas Lopez  
Brennan Center for Justice at NYU School of Law

**From:** Simone Weichselbaum  
**To:** FOIArequests, CRT (CRT)  
**Subject:** FOIA request from The Marshall Project  
**Date:** Friday, August 25, 2017 11:56:49 AM  
**Attachments:** 17-00401-F SWeichselbaum-2.pdf

**August 25, 2017**

Pursuant to FOIA, I am requesting the following:

In this DOJ-CRT report titled, "Civil Rights Division Highlights: 2009-2017", it states that "from 2009-2016, the division has charged more than 580 law enforcement officials for committing willful violations of civil rights and related crimes."

1. I am requesting a list made of records, pertaining to the "more than 580" individuals charged, provided in an EXCEL spreadsheet, or TXT file, format.

Please include: DL number, case name, district, charges, law enforcement agency, law enforcement city, attorney, indictment date, (if applicable) closed date (if applicable), defendants name, outcome, (if applicable) sentence date (if applicable), sentence (if applicable).

2. I've attached the confirmation letter from my recent FOIA request sent to CRT. FOIA - 17-00401-F.

That request asked for 18/242 (Color of Law) investigations into local law enforcement officials from 1/1/17 to year-to-date 2017.

Can I expand today's request to capture charges filed against law enforcement officials up to year to date 2017?

That means this FOIA is pertaining to the "more than 580 law enforcement officials" charged with "committing willful violations of civil rights and related crimes" from 2009 up to year-to-date-2017. Today's request should expand, or replace, FOIA 17-00401F.

Feel free to contact me, if needed.

Simone Weichselbaum  
The Marshall Project  
156 W. 56th St  
Suite 701  
New York, NY 10019

(b)(6)

**SIMONE WEICHSELBAUM**

Staff Writer  
The Marshall Project

(b)(6)

(b)(6)

Twitter: (b)(6)

<https://www.themarshallproject.org/staff/simone-weichselbaum>



**U.S. Department of Justice**  
**Office of Information Policy**  
*Suite 11050*  
*1425 New York Avenue, NW*  
*Washington, DC 20530-0001*

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*Telephone: (202) 514-3642*

August 23, 2017

**MEMORANDUM**

**TO:** Nelson Hermilla  
Chief, FOI/PA Branch  
Civil Rights Division

**FROM:** Initial Request Staff

**SUBJECT:** Misdirected Freedom of Information Act (FOIA) Request Received by Office of Information Policy (OIP); OIP No. DOJ-2017-006035

Please be advised that the attached misdirected FOIA request from Muhammad Salem was received by this Office on August 14, 2017. Because it is seeking records of interest to the Civil Rights Division, we are forwarding this request to your Office for processing and direct response to the requester. For your information, we are also processing this request on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legal Policy, Legislative Affairs, Public Affairs, and Information Policy. Please note that this Office did not yet make a determination regarding the requester's fee category. Additionally, please note that the requester seeks both expedited processing and a fee waiver; per Department guidelines, we have already submitted the request for expedition to the Office of Public Affairs for determination. Should you have any questions regarding this matter, please contact Kim Kochurka of this Office at (b)(6)@usdoj.gov.

Attachment

**From:** (b)(6)  
**To:** Kochurka, Kimberley (OIP)  
**Subject:** Re: Your FOIA Request DOJ-2017-006035  
**Date:** Thursday, August 17, 2017 5:46:24 PM

Yes

Sent from my iPhone

On Aug 17, 2017, at 1:53 PM, Kochurka, Kimberley (OIP)

<(b)(6)> wrote:

So just to clarify – you are asking for correspondence between the Department and the White House officials named in your request, pertaining to these topics?

**From:** (b)(6) [mailto:(b)(6)]  
**Sent:** Thursday, August 17, 2017 4:50 PM  
**To:** Kochurka, Kimberley (OIP) <(b)(6)>  
**Subject:** Re: Your FOIA Request DOJ-2017-006035

Good afternoon,

I would like all records communications regarding immigration enforcement, changes in policy and/or personnel in the Civil Rights Division, the opioid epidemic, the investigation of Russian interference in the 2016 general election, the appointment of Special Counsel Robert Mueller to lead that investigation, the firing of former FBI Director James Comey, potential pardons of the President, his family, and/or White House officials, and enforcement of Executive Order 13769. Thanks in advance.

Sincerely,

(b)(6)

On Aug 17, 2017, at 10:37 AM, Kochurka, Kimberley (OIP)

<(b)(6)> wrote:

Good afternoon,

This is not the official acknowledgment; the official acknowledgment will be sent to you soon. If you could, please provide search terms or concepts that you are specifically looking for information about – that would really help in narrowing the focus for an easier search, especially if you are asking for all of our client offices to be searched which will take more than 20 business days.

If you would like to call me to get a better understanding of how our search process works, feel free to contact me at 202-616-9712.

Thank you!

**From:** (b)(6) <mailto:(b)(6)>  
**Sent:** Thursday, August 17, 2017 1:24 PM  
**To:** Kochurka, Kimberley (OIP) <(b)(6)>  
**Subject:** Re: Your FOIA Request DOJ-2017-006035

Good afternoon Ms. Kochurka,

I would like all of the following components searched: all which are covered by OIP and which you mentioned, the Civil Rights Division, Drug Enforcement Administration, Executive Office for Immigration Review, Executive Office for United States Attorneys, Office of Legislative Affairs, Office of the Pardon Attorney, and the United States Marshals Service. My apologies for not being specific enough in my original request. Just to be sure, is this the official acknowledgment of my request required by FOIA within 20 business days? Thanks in advance.

Sincerely,

(b)(6)

On Aug 17, 2017, at 7:37 AM, Kochurka, Kimberley (OIP) <(b)(6)> wrote:

Good morning (b)(6)

This is in regards to your FOIA request, DOJ-2017-006035, for records of communication between the Department and White House officials. I'm emailing to inquire about which of our client offices you would like searched. Please be advised that this Office processes FOIA requests for records it maintains as well as records maintained by the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, Legislative Affairs, and Legal Policy. To the extent that you are seeking records from another component of the Department of Justice, please be advised that the Department has a decentralized system for processing FOIA requests and each component maintains and handles FOIA requests for its own records.

Please let me know which offices you would like searched at your earliest convenience.

Thank you,

Kim Kochurka

Government Information Specialist  
Office of Information Policy  
U.S. Department of Justice

# INITIAL REQUEST

**Request Details**

Request Type : FOIA

Status : Assignment Determination Due Date : 09/12/2017

3



Submitted Evaluation Assignment Processing Closed

**Request Details**

Tracking Number : DOJ-2017-006035

Submitted Date : 08/14/2017

Requester : (b)(6)

Perfected Date : 08/14/2017

Organization : N/A

Last Assigned Date : 08/15/2017

Requester Has Account : Yes

Fee Limit : \$0.00

Email Address : (b)(6)

Request Track : Simple

Phone Number : N/A

Due Date : 09/12/2017

Fax Number : N/A

Assigned To : Kim Kochurka (Office of the Attorney General)

Address : (b)(6)

Last Assigned By : Valeree Villanueva (Department of Justice - Office of Information Policy)

City : Laguna Hills

State/Province : CA

Zip Code/Postal Code : 92653

**Submission Details****Request Handling**

Requester Info Available to the Public : No

Request Perfected : Yes

Request Track : Simple

Perfected Date : 08/14/2017

Fee Category :

Acknowledgement Sent Date:

Fee Waiver Requested: Yes

Unusual Circumstances ? : No

Fee Waiver Status: Pending Decision

5 Day Notifications: No

Expedited Processing Requested: Yes

Litigation : No

Requested :

\* Litigation Court Docket Number :

Expedited Processing Status : Pending Decision

**Request Description**

Short Description : records of communications between the Department and various White House officials.

I would like all records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017 between any employee of the DOJ and any of the following individuals: a. Stephen Bannon b. Reince Priebus c. Stephen Miller d. Anthony Scaramucci e. Jared Kushner f. Sean Spicer g. Sebastian Gorka h. Ivanka Trump i. Kellyanne Conway

Description Available to the Public : No

Has Description Been Modified? No

**Additional Information**

Litigation Counsel Name : N/A

Litigation Case Number : N/A

Litigation Contact Information : N/A

Information :

Sub-Office : Office of the Attorney General

**Attached Supporting Files**

No supporting files have been added.

**Case File**

Direct URL : <https://localhost:8443/foia/action/public/view/request/814fcda2>

**Case Details**

Type of Case : FOIA	Received Date : 08/14/2017
Fiscal Year : 2017	Clock Initially Started On : 08/14/2017
Total Days Pending : 3	



Submitted

Evaluation

Assignment

Processing

Closed

**Request Details**

Tracking Number : DOJ-2017-006035	Submitted Date : 08/14/2017
Requester : (b)(6)	Perfected Date : 08/14/2017
Organization : N/A	Last Assigned Date : 08/15/2017
Requester Has Account : Yes	Fee Limit : \$0.00
Email Address : (b)(6)	Request Track : Simple
Phone Number : N/A	Due Date : 09/12/2017
Fax Number : N/A	Assigned To : Kim Kochurka (Office of the Attorney General)
Address : (b)(6)	Last Assigned By : Valeree Villanueva (Department of Justice - Office of Information Policy)
City : Laguna Hills	
State/Province : CA	
Zip Code/Postal Code : 92653	

**Task Details**

Task Type : Expedited Processing	Assigned To : Kim Kochurka (Office of the Attorney General)
Due Date : 08/24/2017	Last Assigned Date : 08/15/2017
Task Submitted Date : 08/14/2017	Last Assigned By : Valeree Villanueva (Department of Justice - Office of Information Policy)
Task Received Date : 08/14/2017	
Description : Expedited Processing Task	
Comments : The subject of my request has garnered widespread and exceptional media attention and it raises questions about the integrity of Senior Advisors to the President Jared Kushner and Stephen Miller, former White House Press Secretary Sean Spicer, former White House Chief of Staff Reince Priebus, former White House Communications Director Anthony Scaramucci, Counselor to the President Kellyanne Conway, Advisor to the President Ivanka Trump, Senior Counselor to the President Stephen Bannon, Deputy Assistant to the President Sebastian Gorka, and the DOJ. The request potentially may lower public confidence in the law enforcement agencies of the federal government of the United States and the White House.	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (2)

Review

**Request Handling**

Requester Info Available to the Public : No	Request Perfected : Yes
Request Track : Simple	Perfected Date : 08/14/2017
Fee Category : Unassigned	Acknowledgement Sent Date :
Fee Waiver Requested: Yes	Unusual Circumstances ? No
Fee Waiver Status: Pending Decision	
Expedited Processing Requested : Yes	
Expedited Processing Status : Pending Decision	

**Request Description**

Short Description : records of communications between the Department and various White House officials.

I would like all records containing, reflecting, documenting, summarizing, or otherwise relating to communications (including emails, telephone call logs, calendar entries, meeting agendas, or any other records reflecting communications) since January 20, 2017 between any employee of the DOJ and any of the following individuals: a. Stephen Bannon b. Reince Priebus c. Stephen Miller d. Anthony Scaramucci e. Jared Kushner f. Sean Spicer g. Sebastian Gorka h. Ivanka Trump i. Kellyanne Conway

Description Available to the No  
Public :

Has Description Been  
Modified?

### **Additional Information**

Litigation Counsel Name : N/A

Litigation Case Number : N/A

Litigation Contact N/A

Information :

Sub-Office : Office of the Attorney General

### **Attached Supporting Files**

Attachments Available to the No

Public : No supporting files have been added.



Washington, D.C. 20530

September 13, 2017

(b)(6)

Dear Sir/Madam:

This is in response to your request for records, Tracking Number, EMRUFOIA091117. Your Freedom of Information Act and/or Privacy Act (FOIA/PA) request was received by this office which serves as the receipt and referral unit for FOIA/PA requests addressed to the Department of Justice (DOJ). Federal agencies are required to respond to a FOIA request within 20 business days. This period does not begin until the request is actually received by the component within the DOJ that maintains the records sought, or ten business days after the request is received in this office, whichever is earlier.

We have referred your request to the DOJ component(s) you have designated or, based on descriptive information you have provided, to the component(s) most likely to have the records. All future inquiries concerning the status of your request should be addressed to the office(s) listed below:

FOIA/PA  
Civil Rights Division  
Department of Justice  
BICN Building, Room 3234  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
(202) 514-4209

Sincerely,

Evie Sassok, Assistant Director  
Logistics Management  
Facilities and Administrative Services Staff  
Justice Management Division

**From:** MRUFOIA Requests  
**To:** FOIArequests, CRT (CRT)  
**Subject:** EMRUFOIA091117 (b)(6)  
**Date:** Wednesday, September 13, 2017 12:40:09 PM  
**Attachments:** (b)(6) [EMRUFOIA091117].pdf  
(b)(6) [EMRUFOIA091117].pdf

The Mail Referral Unit has reviewed the FOIA request below and is sending it to your office for processing. The request contains information that is specific to your organization. If you have any questions, then please contact Joe Gerstell at (202) 616-1633 or (b)(6)@usdoj.gov

**From:** (b)(6)  
**Sent:** Monday, September 11, 2017 11:42 AM  
**To:** MRUFOIA Requests <MRUFOIARequests@jmd.usdoj.gov>; Fansler, Craig (CRT) (b)(6)@crt.usdoj.gov  
**Subject:** 9/11/2017 FOIA Request re: Correspondence re SAP Fieldglass (197-23-820)

Please consider this my FOIA request for all documentation related to this matter, that submitted by SAP Fieldglass and all and any internal correspondence at the DOJ related to this case.

(b)(6)

**From:** Fansler, Craig (CRT) (b)(6)@usdoj.gov  
**Sent:** Monday, September 11, 2017 8:20 AM  
**To:** (b)(6)  
**Subject:** RE: Correspondence re SAP Fieldglass (197-23-820)

(b)(6)

If you would like to schedule a phone call, I can discuss the reasons for dismissal, but my office does not disclose investigation files. I cannot provide you with copies of any documents that SAP Fieldglass submitted (just as I did not provide them with copies of what you provided to me).

However, if you would like to seek documents from our investigation, you may seek them (1) through discovery if you decide to file your own complaint against SAP Fieldglass before the Office of the Chief Administrative Hearing Officer, or (2) through a Freedom of Information Act request to the Department of Justice (<https://www.justice.gov/oip/make-foia-request-doj>).

Craig

**From:** (b)(6)

**FOIA COVER SHEET**Justice Management Division / Logistics Management Services

Mail Referral Unit, Landover Operations Center, RM 115

**TO:**

Date	9/13/2017
Components/POCs	CRT/Nelson D. Hermilla

**REQUEST INFORMATION:**

FOIA Tracking Number	EMRUFOIA091117
Requester	(b)(6)
Date of Request	9/11/2017
Date Received	9/11/2017
Processed By (initials):	JL

**REMARKS:**

The MRU has reviewed the attached FOIA request and is sending it to your office for processing. A letter was also sent to the requestor advising him of this referral. If you have any questions, please contact Joe Gerstell on (b)(6)

**Sent:** Friday, September 8, 2017 12:59 PM

**To:** Fansler, Craig (CRT) <(b)(6)@usdoj.gov>

**Subject:** Re: Correspondence re SAP Fieldglass (197-23-820)

Copyme everything they submitted please

On Sep 8, 2017 11:43 AM, "Fansler, Craig (CRT)" <(b)(6)@usdoj.gov> wrote:

(b)(6)

After investigation, IER has determined that there is insufficient evidence showing that SAP Fieldglass discriminated or retaliated against you in violation of 8 U.S.C. 1324b and is therefore dismissing your charge. I have mailed a formal dismissal letter (copy attached).

Thank you for your cooperation during the investigation, and please do not hesitate to contact me if you have any questions.

Craig

Craig Fansler

Trial Attorney

U.S. Department of Justice, Civil Rights Division

Immigrant and Employee Rights Section

(b)(6)

**From:** [Samuel Levine](#)  
**To:** [FOIArequests, CRT \(CRT\)](#)  
**Subject:** HuffPost FOIA request  
**Date:** Wednesday, October 4, 2017 2:38:21 PM

Nelson D. Hermilla  
Chief, FOIA/PA Branch  
Civil Rights Division  
Department of Justice  
BICN Bldg., Room 3234  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Mr. Hermilla,

This is a request under the Freedom of Information Act.

I request a copy of all emails between Department of Justice employees and members of the Presidential Advisory Commission on Election Integrity, and which were sent between January 1 2017 and October 4, 2017. To help make the search more specific, this should include any messages sent from Justice Department staff to Christy McCormick (b)(6) Andrew Kossack ((b)(6)) and the email address (b)(6). Also please include copies of the following emails in particular and their content:

1. A May 15, 2017 email from a DOJ employee to McCormick (b)(6) with subject "Chicago board of elections"
2. A July 5-6, 2017 exchange from a DOJ employee to McCormick (b)(6) ) discussing a voting issue
3. A September 5 2017 message from a DOJ employee to McCormick forwarding a news article.
4. A September 6 2017 article emailed between a third party, a DOJ employee and McCormick discussing a voting issue.
5. A June 15 2017 email from Kossack to a DOJ employee requesting a time to speak.
6. An August 22-24 email chain from Kossack to a DOJ employee regarding "collecting data from non-state entities."

In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with HuffPost, a news organization, and this request is made as part of news gathering and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$10. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

Samuel Levine

(b)(6)

New York, NY 10005

(b)(6)

--

Sam Levine

Associate Politics Editor | HuffPost

(b)(6)

(b)(6)

Lauren Dillon  
Democratic National Committee  
430 S Capitol Street SE  
Washington, DC 20003

October 5, 2017

Nelson D. Hermilla, Chief  
FOIA/PA Branch  
Civil Rights Division  
Department of Justice  
BICN Bldg., Room 3234  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
CRT.FOIArequests@usdoj.gov

Dear Freedom of Information Act Officer:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552, I request the following records created from January 20, 2017 to March 31, 2017:

- All e-mails (including attachments) exchanged between the following list of staff at the Department of Justice and the following list of White House staff. I ask that this search include – but not be limited to – the following e-mail addresses.
  - List of Department of Justice staff:
    - Any individual who has held the position of Acting Assistant General, Civil Rights Division, including – but not limited to – John M. Gore.
    - Any individual who has held the position of Principal Deputy Assistant Attorney General, Civil Rights Division, including – but not limited to – Thomas Wheeler.
  - List of White House staff:
    - Steve Bannon [(b)(6)], Assistant to the President and Chief Strategist
    - John Kelly [(b)(6)], Assistant to the President and Chief of Staff
    - Kellyanne Conway [(b)(6)], Assistant and Counselor to the President
    - Christopher P. Liddell [(b)(6)], Assistant to the President and Director of Strategic Initiatives
    - Donald F. McGahn [(b)(6)], Assistant to the President and White House Counsel
    - H.R. McMaster [(b)(6)], Assistant to the President and National Security Advisor
    - Michael Flynn [(b)(6)], Former Assistant to the President and National Security Advisor
    - Stephen Miller [(b)(6)], Assistant to the President and Senior Advisor for Policy
    - Reince Priebus [(b)(6)], Former Assistant to the President and Chief of Staff
    - Brad Ratzke [(b)(6)], Assistant Director of Cabinet Communications
    - Daniel J. Scavino [(b)(6)], Assistant to the President and Director of Social Media

- George Sifakis [(b)(6)], Assistant to the President and Director for the Office of Public Liaison
- Katie Walsh [(b)(6)] Former Assistant to the President and Deputy Chief of Staff to the White House
- Michael Ambrosini [(b)(6)] Special Assistant to the President and Director of the Office of the Chief of Staff
- Sean Cairncross [(b)(6)] Deputy Assistant to the President and Senior Advisor to the Chief of Staff
- Mallory Hunter [(b)(6)] Special Assistant to the President and Executive Assistant to the Chief of Staff
- Joseph W. Hagin [(b)(6)], Assistant to the President and Deputy Chief of Staff
- Kirstjen Nielsen [(b)(6)] Assistant to the President and Deputy Chief of Staff

- All faxes exchanged between the aforementioned staff and the White House staff listed above.
- All letters exchanged between the aforementioned staff and the White House staff listed above.

I understand that there might be costs associated with this request. I would request a waiver of fees and ask for you to contact me by e-mail at [(b)(6)] before making copies if this request will be in excess of \$50.

My preferred reproduction format is an electronic file e-mailed to me at [researchinfo@dnc.org](mailto:researchinfo@dnc.org). If this is not possible, I request that you provide access to these records electronically via an FTP site, or mail electronic copies of the records to me on removable media, such as a CD or flash drive. If none of these delivery methods are feasible, I request that you mail paper copies of the records to me at the address provided above.

I would appreciate your communicating with me by e-mail at [researchinfo@dnc.org](mailto:researchinfo@dnc.org) rather than by mail or telephone, if you have questions regarding this request.

If all or any part of this request is denied, please cite the specific exemption which you believe justifies your refusal to release the information and inform us of your agency's administrative appeal procedures available to me under the law.

Thank you for your assistance in this matter.

Sincerely,

Lauren Dillon

Freedom of Information Act Request  
FOIA/PA Branch  
Civil Rights Division  
Department of Justice  
BICN Bldg., Room 3234  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Pema Levy  
Mother Jones  
1319 F St NW Suite 810  
Washington, DC 20004

(b)(6)  
(b)(6)

10/9/2017

Dear Sir/Madam:

On June 28, 2017, Voting Section Chief T. Christian Herren, Jr. sent a letter to all states covered by the National Voter Registration Act (NVRA) requesting "voter registration list maintenance procedures." (Letter here: <https://www.documentcloud.org/documents/3881855-Correspondence-DOJ-Letter-06282017.html>) The letter gave states 30 days to respond with the requested information, which included "All statutes, regulations, written guidance, internal policies, or database user manuals that set out the procedures" for list maintenance.

This is a request under the Freedom of Information Act. I request that a copy of the following document(s) be provided to me:

Description of requested records:

- All records, including emails, memoranda, legal analyses, and other communications—including communications to and from people outside the Civil Rights Division—related to the June 28, 2017 request and also:
  - Mention or allude to the Paperwork Reduction Act (PRA) or the Office of Management and Budget (OMB).

Date Range: January 20, 2017—August 1, 2017.

In order to help determine fees, you should know that I am a representative of the news media. As such, I am only required to pay for the direct cost of duplication after the first 100 pages.

I am a reporter at *Mother Jones* magazine, an award-winning print and web publication with a readership of over 12 million people nationally, per month. As you can see on our website, [MotherJones.com](http://MotherJones.com), our content is original analysis, not aggregation of information. We have a proven record of ably gathering information on current events, synthesizing that information into distinct journalistic work, and then disseminating it to a broad public.

I request a waiver of any applicable fees. The requested information will give insight into the functioning of the Civil Rights Division and compliance with federal laws. Thus, disclosure of the requested information to me is in the public interest, as the division's June 28 letter was a national news story—part of the public's ongoing interest in this administration's work on voting rights. Given that *Mother Jones* is run by the Foundation for National Progress, a 501(c)(3), non-profit organization, the requested documents are not primarily in my commercial interest.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires. Please send this information in electronic format wherever possible.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail. If you would like to discuss the scope of this request, or have any other questions, I can be reached at (b)(6) or at

(b)(6) Thank you for your consideration of my request.

Sincerely,

Pema Levy  
Reporter, *Mother Jones*

**From:** [Ian MacDougall](#)  
**To:** [FOIArequests, CRT \(CRT\)](#)  
**Subject:** FOIA request  
**Date:** Thursday, November 2, 2017 9:36:12 PM

Dear Mr. Hermilla—

I am a reporter at ProPublica, and I submit this request on ProPublica's behalf under the Freedom of Information Act, 5 U.S.C. § 552, for the following records from the Justice Department's Civil Rights Division ("CRT"):

**An electronic copy of each brief filed between January 20, 2017, and the time of processing in which CRT took a position before a court that differed from a position the United States had previously taken in the same litigation.**

**That means not only a change in legal analysis, but also a change in recommended outcome (for example, if CRT, in an amicus brief, sought reversal at an earlier point in the case and now takes no position on disposition, such as it did in *Walker v. City of Calhoun*, No. 17-13139-GG, before the Eleventh Circuit).**

**Responsive records should include briefs filed as a party, as an amicus curiae, as an intervenor, as an interested party, or as any other sort of party. They should also include briefs filed in state as well as federal court (for example, as an amicus in a state proceeding).**

I should note that I'm also an attorney with significant experience litigating FOIA cases, and I'm happy to discuss in detail any potential exemptions CRT believes may apply.

As a representative of the news media, I request a waiver of fees under 28 C.F.R. § 16.10. To the extent fees are assessed, please contact me if the cost will exceed \$25.00.

Please provide me copies of the requested records in electronic format and by e-mail. To the extent that isn't possible, please mail a CD containing the requested records in electronic format to:

Ian MacDougall  
ProPublica  
155 Avenue of the Americas, 13<sup>th</sup> Floor  
New York, NY 10013

Should you have any questions, feel free to reach me at (b)(6) or

(b)(6)

Sincerely,  
Ian MacDougall

--  
Ian MacDougall  
ProPublica  
155 Avenue of the Americas

New York, NY 10013

Office: (b)(6)

Cell/WhatsApp/Signal:

(b)(6)

Twitter: (b)(6)



January 4, 2018

**Via Electronic Mail**

Nelson D. Hermilla  
Chief, FOIA/PA Branch  
BICN Bldg., Room 3234  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530  
Email: CRT.FOIArequests@usdoj.gov

RE: Freedom of Information Act Request

Dear Mr. Hermilla:

On behalf of the American Civil Liberties Union and American Civil Liberties Union Foundation, The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund, and the NAACP Legal Defense and Educational Fund, Inc. (LDF), we request the inspection and copying of certain public records under the Freedom of Information Act, 5 U.S.C. §552, concerning activities undertaken by the U.S. Department of Justice (DOJ) Civil Rights Division to investigate law enforcement agencies (LEA) or officers pursuant to the Attorney General's authority under 34 U.S.C. §12601<sup>1</sup> (Section 12601) and 18 U.S.C. §242. Unless otherwise indicated, this request is for information for the period beginning on January 1, 2017, to the present.

Please be advised that "document" means notes, reports, memoranda, letters, correspondence, recordings or any writing of any kind whatsoever, e-mail messages and correspondence, drawings, graphs, charts, photographs, tape recordings, video footage, diaries, appointment books, calendars, telephone records, telephone messages, computer records and any other data from which information can be obtained including originals, non-identical copies, and drafts.

We request the following categories of information:

1. Any and all documents containing information, policies, guidance, opinions, directives, or memoranda resulting from DOJ's review of existing or

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<sup>1</sup> Originally codified at 42 U.S.C. §14141.

contemplated consent decrees or reform agreements pursuant to the Attorney General's memorandum on March 31, 2017.<sup>2</sup>

2. Any and all documents, including policies, records, or reports, containing information on, describing, referring to, or revealing the staffing and funding levels for the Civil Rights Division, particularly the special litigation and criminal sections.
3. Any and all documents, including policies, records, or reports, containing information on, describing, referring to, or revealing how the Civil Rights Division works with U.S. Attorneys' Offices, federal agencies, and outside entities or consultants to conduct investigations of LEAs or individual officers.
4. Any and all documents pertaining to any modification to DOJ policies, practices, processes, regulations, guidelines, or materials governing inquiries into or investigations of LEAs for potential pattern or practice violations under Section 12601, including, but not limited to, anything governing:
  - i. the pre-investigative stage, including preliminary inquiries, examinations, reviews, or research of LEAs;
  - ii. prioritization of preliminary inquiries or investigations of LEAs;
  - iii. the decision to initiate or close a preliminary inquiry or investigation of an LEA;
  - iv. legal interpretations of when a violation of the Constitution or federal laws is established or when there is reasonable cause to believe a violation of the Constitution or federal laws has occurred;
  - v. the nature of federal intervention when there is reasonable cause to believe an LEA has violated the Constitution or federal laws under Section 12601; and
  - vi. which DOJ employees, staff, or components are authorized to initiate, approve, or end a preliminary inquiry, investigation, or enforcement action (e.g. civil lawsuit, reform agreement) under Section 12601.

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<sup>2</sup> Memorandum from Jeff Sessions, Attorney General, U.S. Department of Justice, to Heads of Department Components and U.S. Attorneys, March 31, 2017, <https://www.documentcloud.org/documents/3535148-Consentdecreebaltimore.html>.

5. Any and all documents pertaining to any modification to DOJ policies, practices, processes, guidelines, regulations, or materials governing consent decrees or reform agreements with LEAs or local governments, including, but not limited to anything governing:
  - i. the decision to enter into a reform agreement or consent decree;
  - ii. which DOJ employees, staff, or components are authorized to approve or decide whether to enter into a reform agreement or consent decree;
  - iii. the process for negotiating reform agreements or consent decrees;
  - iv. the structure of reform agreements, consent decrees, or reform models;
  - v. the substantive components of reform agreements or consent decrees;
  - vi. outcome measures used to assess progress under reform agreements or consent decrees; and
  - vii. the selection and appointment of independent monitoring teams.
6. Any and all correspondence, including letters, emails, and attachments, between DOJ and law enforcement, city, or county personnel or officials involved in existing reform agreements or consent decrees.
7. Any and all correspondence, including letters, emails, and attachments, between DOJ and representatives of police labor organizations, membership-based police organizations, or any other professional associations of current or former police officers that concerns reform agreements or consent decrees.
8. Any and all documents with information indicating the number of preliminary inquiries and investigations of LEAs opened, initiated, or given a case or other tracking number by the Civil Rights Division between January 1, 2016, and the present, the date each case was opened or initiated, the identity of each LEA that is the subject of the preliminary inquiry or investigation, and the reasons for the preliminary inquiry or investigation (e.g., racial bias, excessive force (including sexual assault), First Amendment violations).
9. Any and all documents pertaining to any preliminary inquiry or investigation of an LEA that was closed between January 1, 2016, and the present, including, but not limited to, information regarding the number of preliminary inquiries or investigations that have been closed, the date each case was closed, the identity of each LEA that was the subject of the preliminary inquiry or investigation, the reasons for the preliminary inquiry or investigation, and the reasons the case was closed.

10. Any and all documents pertaining to any inquiry, examination, or review of an LEA undertaken by the Civil Rights Division that resulted in a decision between January 1, 2016, and the present to not open an investigation, including, but not limited to, information regarding the date of the decision, the identity of the LEA that was being reviewed, the reasons for the inquiry, and the reasons for the decision to not open the investigation. These requests include all recommendation memoranda, including, but not limited to, "J memos" or "S10 memos."
11. Any and all documents with information indicating the number of decisions between January 1, 2016, and the present to not open an investigation of an LEA after a recommendation for an investigation by one or more DOJ career employees, including information regarding the date of the decision, the identity of each LEA that was the subject of the inquiry, the reasons for the recommendation, and the reasons for the decision to not open the investigation.
12. Any and all documents indicating the number of justification memos (including "J memos" and "S 10 memos") supporting a recommendation made between January 1, 2016, and the present for an enforcement action against an LEA for a pattern or practice violation, the date of the recommendation, the identity of each LEA that is the subject of the justification memo, the reason for the recommended enforcement action, information regarding whether the recommendation was adopted, and information regarding why the recommendation was or was not adopted.
13. Any and all documents indicating the number of individual or multi-party complaints, allegations, or reports of misconduct that have been received by the Civil Rights Division for potential pattern or practice violations by an LEA between January 1, 2016, and the present, including information on the identity of the LEA that is the subject of each complaint, the date the complaint was received, and the reason for the complaint. This request includes information captured in the Citizen Complaint Tracking System, controlled correspondence, and any other communication.
14. Any and all documents pertaining to complaints, allegations, reports, or referrals that have been received by the Civil Rights Division for potential pattern or practice violations by an LEA between January 1, 2016, and the present, that were obtained from other agencies or components of DOJ, such as U.S. Attorneys' Offices, the Office of Justice Programs, or the Federal Bureau of Investigation.

15. Any and all documents pertaining to complaints, allegations, reports, or referrals received by the Civil Rights Division for potential pattern or practice violations by an LEA between January 1, 2016, and the present, that were submitted by a federal, state, or local public official.
16. Any and all documents indicating the number of preliminary inquiries and investigations that have been opened between January 1, 2016, and the present by the Civil Rights Division, or other components of DOJ (e.g. U.S. Attorney's offices) in consultation with the Civil Rights Division, pursuant to 18 U.S.C. §242 against law enforcement officers.
17. Any and all documents indicating the number of recommendations made by career staff of the Civil Rights Division, or by other components of DOJ, between January 1, 2016, and the present to prosecute a law enforcement officer pursuant to 18 U.S.C. §242 and information on whether or not that recommendation was adopted.
18. Any and all documents pertaining to the number of individual or multi-party complaints, allegations, reports, or referrals that have been received by the Civil Rights Division between January 1, 2016, and the present against law enforcement officers for potential violations of 18 U.S.C. §242.

We seek your response no later than 20 business days after receipt of this request. If necessary, please provide the information on a rolling basis.

Additionally, if possible, please provide the requested information in an electronic format that is searchable and analyzable. Please also provide any individual computer records or scanned documents in a searchable format such as Microsoft Word or searchable Adobe Acrobat pdf. and any data and statistical information in a format that is searchable and analyzable, such as a txt. or .csv file or an excel spreadsheet. Documents and data extracts should include necessary variable definitions and descriptions to facilitate understanding and analysis.

We request the entire record containing the responsive information. Accordingly, we seek each document in its entirety; please do not redact portions of any record as "non-responsive" or "out of scope."

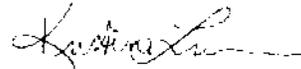
If it is your position that responsive records exist, but those records or portions of those records are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. Please provide the nonexempt portions of the records.

### Request for Waiver or Limitation of Fees

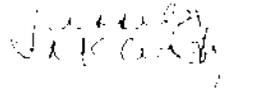
We respectfully request a waiver of all fees associated with this request, because we are 501(c)(3) non-profit organizations, do not seek the records for a commercial purpose, and disclosure of the records is in the public interest as it will contribute significantly to the public's understanding of changes to policy and enforcement by the Civil Rights Division. If the Civil Rights Division declines our request for a waiver, we agree to pay the \$25 FOIA processing fee, and request an invoice detailing additional reasonable standard charges prior to fulfilling this request.

Please do not hesitate to contact Sonia Gill Hernandez, Policy Counsel, Policing Reform Campaign at LDF, at (b)(6) with any questions regarding this request.

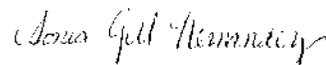
Sincerely yours,



Kristine Lucius  
Executive Vice President  
The Leadership Conference on Civil and  
Human Rights and The Leadership  
Conference Education Fund



Jesselyn McCurdy  
Deputy Director  
Washington Legislative Office  
American Civil Liberties Union and  
American Civil Liberties Union  
Foundation



Sonia Gill Hernandez  
Policy Counsel  
Policing Reform Campaign  
NAACP Legal Defense and Educational  
Fund, Inc.